

### REMARKS

Reconsideration and allowance of the application are respectfully requested in light of the above amendments and the following remarks.

Applicants wish to thank the examiner for the courtesy extended to Applicants' representative during a personal interview conducted on January 10, 2007. The substance of the interview included the points and issues discussion below.

Claims 26, 31, 32, and 34 have been amended. Support for the amendments is provided at least in the specification on page 3, line 19, through page 4, line 16, and page 10, lines 15-24. The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection.

Claims 26, 27, 30-35, and 37 were rejected, under 35 USC §103(a), as being unpatentable over Neumiller et al. (US 6,226,283). Claims 28, 29, and 36 were rejected, under 35 USC §103(a), as being unpatentable over Neumiller in view of Parkvall et al. (US 6,542,736). To the extent the rejections are deemed applicable to the amended claims, the Applicants respectfully traverse.

Claim 26 now recites a communication terminal that: (1) selects one of a plurality base stations based on channel states between the base stations and the communication terminal and (2)

communicates to the selected base station a packet identifier identifying a next packet, within a sequence of packets, to be communicated to the communication terminal by the selected base station. Neumiller fails to suggest these combined features of claim 26.

The Final Rejection proposes that Neumiller discloses, in Fig. 1: (1) a switch/anchor base station that communicates a frame number to one of a plurality of base stations that is selected by the switch/anchor base station and (2) the selected base station communicates the frame identified by the frame number to the switch/anchor base station. Thus, the Final Rejection seems to propose that Neumiller's switch/anchor base station corresponds to the claimed communication terminal.

However, claim 26 now recites that the base station selection is made by the communication terminal based on channel states between the base stations and the communication terminal. Neumiller discloses that the base station selection is made by the switch/anchor base station based on channel states between the base stations and a remote unit (see Neumiller col. 3, lines 1-13, and col. 4, lines 20-34). Thus, even if the claimed communication terminal may be characterized as corresponding to Neumiller's switch/anchor base station, as seemingly proposed in the Final Rejection, it may not reasonably be characterized as

corresponding to both Neumiller's switch/anchor base station and Neumiller's remote unit.

As a result, Neumiller does not suggest the combined features recited in claim 26 of a communication terminal that: (1) selects one of a plurality base stations based on channel states between the base stations and the communication terminal and (2) communicates to the selected base station a packet identifier identifying a next packet to be communicated to the communication terminal by the selected base station. Parkvall does not supplement the teachings of Neumiller in this regard.

Accordingly, Applicants submit that Neumiller and Parkvall, considered individually or in combination, do not render obvious the subject matter now defined by claim 26. Claims 32 and 34 similarly recite the above-described features distinguishing apparatus claim 26 from Neumiller, though claim 34 does so with respect to a method. Therefore, the rejections applied to dependent claims 28, 29, and 36 are obviated and allowance of claims 26, 32, and 34 and all claims dependent therefrom is warranted.

Independent claim 31 now defines a base station apparatus that is selectable by a communication terminal based on wireless-transmission channel states between a plurality of base stations and the communication terminal. The base station apparatus

includes: (1) a receiver that receives, by wireless transmission, from the communication terminal a base station identifier identifying the selected base station and a packet identifier identifying a next packet within the sequence of packets to be communicated and (2) a transmitter that transmits, by wireless transmission, a stored packet identified by the received packet identifier to the communication terminal only when the base station is identified by the received base station identifier. Neumiller fails to suggest these combined features.

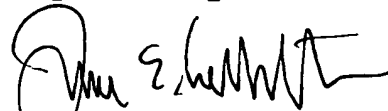
Instead, Neumiller discloses, in Fig. 1, a selected base station that receives, by wire-line transmission, a frame identifier communicated by a switch/anchor base station and transmits the identified frame, by wire-line transmission, to the switch/anchor base station (see Neumiller col. 3, lines 29-36, and col. 4, lines 20-34). Parkvall does not supplement the teachings of Neumiller with regard to the above-mentioned features distinguishing claim 31 from Neumiller's disclosure.

Accordingly, Applicants submit that Neumiller and Parkvall, considered individually or in combination, do not render obvious the subject matter now defined by claim 31. Therefore, allowance of claim 31 is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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